

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

<b>MARKUS HUNTER,</b>	)	
	)	
Plaintiff,	)	
	)	
V.	)	Civil No. <b>02-104-JPG</b>
	)	
<b>GEORGE C. WELBORN, et al.,</b>	)	
	)	
Defendants.	)	

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is defendants Bonifield, Elder, Ellis, Goodman, Hinsley, Nix, Ramsey, Taylor and Welborn's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. **(Docs. 82 and 83)**. The motion is directed to plaintiff's amended complaint, filed September 16, 2005. **(Doc. 64)**. By separate order the Court recently granted plaintiff leave to file another amended complaint to cure a scrivener's error, which will result in the inclusion of multiple additional paragraphs and claims that had been part of a previous complaint, but were omitted from the September 2005, pleading. **(Doc. 96)**. However, the inclusion of the additional paragraphs and claims relative to defendants Bonifield, Elder, Ellis, Goodman, Hinsley, Nix, Ramsey, Taylor and Welborn necessitates those defendants being given an opportunity to file dispositive motions that encompass all claims and allegations plaintiff intends to lodge against them. Therefore, in the interest of fairness and judicial economy, the pending motion for summary judgment will be stricken.

The Court had previously prescribed that only defendants Hinsley and Harner, who had

just been added as defendants in the September 2005 pleading, could conduct discovery through August 31, 2006, and file dispositive motions by September 29, 2006. **(Doc. 95)**. Because the paragraphs being added were actually part of the complaint that was controlling prior to the September 2005 pleading, the Court does not perceive a need for additional discovery by defendants Bonifield, Elder, Ellis, Goodman, Hinsley, Nix, Ramsey, Taylor and Welborn. However, defendants Bonifield, Elder, Ellis, Goodman, Hinsley, Nix, Ramsey, Taylor and Welborn may also file dispositive motions on or before September 29, 2006.

**IT IS THEREFORE ORDERED** that defendants Bonifield, Elder, Ellis, Goodman, Hinsley, Nix, Ramsey, Taylor and Welborn's motion for summary judgment **(Doc. 82)** is **STRIKEN** without prejudice.

**IT IS FURTHER ORDERED** that plaintiff's motion for an extension of time to respond to defendants Bonifield, Elder, Ellis, Goodman, Hinsley, Nix, Ramsey, Taylor and Welborn's motion for summary judgment **(Doc. 87)** is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** the following abbreviated schedule shall control:

1. All discovery relative to the claims regarding defendants Hinsley and Harner shall be completed by **August 31, 2006**.
2. All parties may file dispositive motions on or before **September 29, 2006**.

**IT IS SO ORDERED.**

**DATED: July 17, 2006**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**